

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Albert L. Talmo,) Civil Action No. 8:06-00801-CMC-BHH
Petitioner,)
vs.)
Mrs. Boyd; Chief NFN Williams;)
Mrs. NFN Robinson; NFN Warden ,)
Respondents.)
)
REPORT OF MAGISTRATE JUDGE

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The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2254. On March 28, 2006, the petitioner notified the court of his new address (342 Ivo Circle, Elgin, SC 29045). On May 16, 2006, the respondent filed a motion for summary judgment. On May 17, 2006, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the petitioner's last known address in Elgin, South Carolina advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court marked "Undeliverable/RTS/No Longer Here."

The record reveals that the petitioner was advised by order dated March 27, 2006, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/ Bruce H. Hendricks
United States Magistrate Judge

June 26, 2006

Greenville, South Carolina